WPMS No. 641 of 2001

Hon'ble Alok Singh, J.

Mr. T.A. Khan, Senior Advocate for the petitioner.

Mr. Manoj Tiwari, Senior Advocate assisted by Mr. Alok Mehra, Advocate for respondent No. 2.

For the reasons stated in the application, delay condonation application No. 14280 of 2013 is allowed. Delay in filing restoration application is condoned.

For the reasons stated in the application, restoration application No. 822 of 2013 is allowed. Order dated 13.03.2013 is recalled. Writ petition is restored in its original number.

With the consent of learned counsel for the parties, present petition is taken up for hearing today itself and is being disposed of by this judgment.

Undisputedly, petitioner joined sugar factory on 25.02.1959 as pan Man Coolie. Undisputedly, State of U.P. issued standing order dated 27th September, 1988 making provision that date of retirement would be 60 years and workman could apply for the correction of date of birth in the record alongwith the supporting document within a year from the date of issuance of the standing order. Undisputedly, petitioner moved application on 10.04.1989 for correction of his date of birth from 01.11.1929 to 04.05.1938. In support of his contention, respondent No.2 enclosed therewith copy of the school leaving certificate duly certified and verified by the District Inspector of School. As per school leaving certificate, date of birth of the petitioner was 04.05.1938. Vide impugned order direction was issued to correct the date

of birth. Feeling aggrieved, Sugar Factory has filed present writ petition.

Copy of the school leaving certificate was duly certified and verified by the District Inspector of School, an authorised and responsible officer of the Education Department.

There seems to be no contrary evidence to the school leaving certificate, therefore, school leaving certificate deserve to be accepted.

There is another aspect of the matter. Petitioner joined service in the sugar factory on 25.02.1959, if his date of birth is taken as 01.11.1929, he would be about 30 years of age at the time of joining and if his date of birth is taken as 04.05.1938 as recorded in the school leaving certificate, he would be 21 years of age at the time of joining service. It seems to be probable that he would have joined service at the age of 21 years because in those days there was no question of unemployment and people use to join service at the earliest.

In view of the above discussion, I do not find any justification to take contrary view to the view taken in the impugned order.

Consequently, writ petition fails and is hereby dismissed.

Urgency application No. 29 of 2014 also stands disposed of accordingly.

(Alok Singh, J.)

Dated 12.03.2014
Shiv